

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

Peter E. Shurr, III

Plaintiff,

V.

City of Newark, Gerald Conway,
William Nefosky, Michael Szep,
Jerry Dawson, Truman Bolden,
Joseph Kendrick, Curtis E. Davis,
John Degheto, Susan K Poley,

Defendants.

C.A. No. 04-379

JURY TRIAL DEMANDED

DEFENDANTS' RESPONSES TO PLAINTIFF'S REQUESTS FOR ADMISSIONS

Defendants, by and through their counsel, Marshall Warner Coleman & Goggin, hereby respond to Plaintiff's Requests for Admissions pursuant to Rule 36 of the Federal Rules of Civil Procedure as follows:

1. Denied.
2. Denied.
3. Inasmuch as the Arrest Warrant speaks for itself, no admission or denial is necessary. To the extent that this Request seeks an admission from the defense that plaintiff's arrest for parental mischief was without probable cause, the request is denied.
4. After reasonable investigation, Answering Defendants are unable to admit or deny this Request. Specifically, the videotape appears to show plaintiff throwing a rock at the car carrier on June 10, 2002. Answering Defendants have no personal knowledge as to whether Plaintiff did, in fact, throw a rock at the car carrier truck.
5. Admitted.

6. After reasonable investigation, Answering Defendants are unable to admit or deny this Request. Specifically, it is difficult to determine with the naked eye whether the videotape shows plaintiff with a rock leaving his hand. Answering Defendants have not had the videotape amplified.

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

Date: 6/29/05

BY: /s/ *Daniel A. Griffith*
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CERTIFICATE OF SERVICE

I, **DANIEL A. GRIFFITH**, hereby certify that on this 29th day of June, 2005, caused two (2) copies of the foregoing **DEFENDANTS' RESPONSES TO PLAINTIFF'S REQUESTS FOR ADMISSIONS** to be served on counsel for the parties at the following address:

William Rhodunda, Jr., Esquire
Oberly Jennings & Rhodunda, P.A.
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P.O. Box 2054
Wilmington, DE 19899

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

BY: /s/ *Daniel A. Griffith*

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